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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK, AS SUCCESSOR
IN INTEREST TO JPMORGAN CHASE BANK,
N.A., AS TRUSTEE FOR STRUCTURED
ASSET MORTGAGE INVESTMENTS II
TRUST 2006-AR6, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-
AR6,

Plaintiff,

vs.

STONE CANYON WEST HOMEOWNERS
ASSOCIATION and SFR INVESTMENTS
POOL 1, LLC,

Defendants.

Case No.: 2:16-cv-01904-GMN-CWH

**STIPULATION AND ORDER RE:
NOTICES OF RULE 30(b)(6)
DEPOSITIONS OF THE BANK OF NEW
YORK MELLON F/K/A THE BANK OF
NEW YORK, AS SUCCESSOR IN
INTEREST TO JPMORGAN CHASE
BANK, N.A., AS TRUSTEE FOR
STRUCTURED ASSET MORTGAGE
INVESTMENTS II TRUST 2006-AR6,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-AR6 AND
NATIONSTAR MORTGAGE LLC**

SFR INVESTMENTS POOL 1, LLC, LLC, a
Nevada limited liability company,

Counter/Cross Claimant,

vs.

THE BANK OF NEW YORK MELLON F/K/A
THE BANK OF NEW YORK, AS SUCCESSOR
IN INTEREST TO JPMORGAN CHASE BANK,
N.A., AS TRUSTEE FOR STRUCTURED
ASSET MORTGAGE INVESTMENTS II
TRUST 2006-AR6, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-
AR6; NATIONSTAR MORTGAGE LLC; BANK
OF AMERICA, N.A., a national banking
association; JUAN A. CHACON, an individual,

Counter/Cross Defendants.

STONE CANYON WEST HOMEOWNERS
ASSOCIATION,

Third Party Plaintiff,

vs.

NEVADA ASSOCIATION SERVICES, INC.

Third Party Defendant.

Plaintiff and counter- and cross-defendant Bank of New York Mellon f/k/a The Bank of New York, as Successor in Interest to JPMorgan Chase Bank, N.A., as Trustee for Structured Asset Mortgage Investments II Trust 2006-AR6 (**BNYM**) and defendant and counter- and cross-claimant SFR Investments Pool 1, LLC (**SFR**) stipulate as follows:

1. SFR served a notice of Rule 30(b)(6) deposition continuing 13 topics on BNYM on February 5, 2018. The deposition is scheduled for April 4, 2018.

2. SFR served a notice of Rule 30(b)(6) deposition continuing 13 topics on Nationstar on February 5, 2018. The deposition is scheduled for April 4, 2018.

3. SFR served a substantially similar notice of Rule 30(b)(6) deposition on Bank of America, N.A. (**BANA**) in *Bank of Am., N.A. v. Falcon Pointe Ass'n et al*, D. Nev. Case. No. 2:16-cv-00814-GMN-CWH, last December. BANA initially disputed seven of the thirteen noticed topics: (1)

1 **topic 5**, which seeks information concerning BANA's alleged damages; (2) **topic 6**, which seeks
2 information concerning what investigation, if any, BANA made into title or encumbrances before
3 acquiring an interest in the deed of trust; (3) **topic 7**, which seeks information concerning what
4 investigation, if any, BANA made into title or encumbrances before the HOA's foreclosure sale; (4)
5 **topic 8**, which seeks information concerning BANA's acquisition of its interest in the note and deed of
6 trust; (5) **topic 9**, which seeks information concerning BANA's "knowledge regarding creation,
7 execution and recording" of the recorded assignment(s); (6) **topic 11**, which seeks information
8 concerning BANA's communications with its "predecessor in interest" regarding the HOA's CC&Rs
9 "and title or encumbrances;" and (7) **topic 12**, which seeks information concerning "[a]l facts and
10 circumstances in which [BANA] contend[s] that [the HOA] and its foreclosure agent failed to comply"
11 with NRS chapter 116 in conducting the foreclosure sale (collectively, the **disputed topics**).

12 4. BNYM, Nationstar and SFR met and conferred concerning the disputed topics pursuant
13 to L.R. 26-7 in connection SFR's deposition notice in *Falcon Pointe*. SFR agreed to limit or withdraw
14 four of the seven disputed topics based on the meet and confer. To avoid unnecessary fees and costs,
15 BNYM, Nationstar and SFR stipulate to apply the agreement reached in the *Falcon Pointe* meet and
16 confer to SFR's notice of deposition in this case as set forth below:

17 a. **Topic 6:** SFR's inquiry into topic 6 shall be limited to investigations into title
18 that revealed Stone Canyon West Homeowners Association's lien.

19 b. **Topic 7:** SFR's inquiry into topic 7 shall be limited to investigations into title
20 that revealed Stone Canyon West Homeowners Association's lien.

21 c. **Topic 11:** SFR's inquiry into topic 11 shall be limited to communications
22 between BNYM and its "predecessor in interest" regarding Stone Canyon West Homeowners
23 Association's foreclosure notices, CC&Rs and lien.

24 d. **Topic 12:** SFR has already or will seek the information it seeks to obtain through
25 deposition topic 12 via an interrogatory. BNYM and Nationstar agree to substantively respond to SFR's
26 interrogatory subject to any written objections. SFR will withdraw deposition topic 12 when BNYM
27 serves its interrogatory response.

28 5. BANA and SFR were unable to resolve their dispute concerning the remaining three

1 disputed topics (*i.e.*, topics 5, 8 and 9) during their *Falcon Pointe* meet and confer but, to avoid litigation
2 costs and unnecessarily burdening the Court with substantially-similar motions for protective order,
3 agreed BANA would file only one motion per judicial combination (*e.g.*, BANA would file a motion in
4 *Falcon Pointe*, but would not file one in other cases assigned to Judges Navarro and Hoffman in which
5 SFR served a deposition notice on BANA containing these same three topics), and the parties will apply
6 the Court's ruling in other similarly-situated cases. BANA moved for a protective order in *Falcon Pointe*
7 on January 24, 2018. The motion remains pending.

8 6. Pursuant to the agreement reached in the *Falcon Pointe* meet and confer, BNYM and
9 SFR agree the Court's order on BANA's motion for protective order in *Falcon Pointe*, D. Nev. Case No.
10 2:16-cv-00814, ECF No. 93, shall apply to SFR's notice of deposition in this case. SFR further stipulates
11 BNYM's deposition in this case is stayed as to all topics pending the Court's ruling on BANA's motion
12 for protective order in *Falcon Pointe*. SFR and BNYM will confer about a mutually-agreeable
13 deposition date once an order enters in *Falcon Pointe*.

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1 7. BNYM, Nationstar, and SFR jointly request the Court approve this stipulation as an order
2 of the Court.

3 Dated this 30th day of March, 2018.

Dated this 30th day of March, 2018.

4 **AKERMAN LLP**

KIM GILBERT EBRON

5 /s/ Thera A. Cooper

/s/ Diana S. Ebron

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Structured Asset Mortgage Investments II Trust
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Series 2006-AR6, Nationstar Mortgage LLC,
and Bank of America, N.A.*

*Attorneys for counter- and cross-claimant SFR
Investments Pool 1, LLC*

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: April 4, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Akerman LLP, and that on this 30th day of March, 2018, service of the foregoing **STIPULATION AND ORDER RE: NOTICE OF RULE 30(b)(6) DEPOSITION OF THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS SUCCESSOR IN INTEREST TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE FOR STRUCTURED ASSET MORTGAGE INVESTMENTS II TRUST 2006-AR6, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AR6**, was made pursuant to FRCP 5(b) and electronically transmitted to the Clerk's Office using the CM/ECF system for filing and transmittal to all interested parties:

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/s/ Erin Surguy

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